

REMARKS

III. Specification:

The amendment to the specification is made merely to add a sequence identifier to the sequence described in Figure 3, and to more clearly describe the contents of Figure 3, and does not add or constitute new matter. Moreover, the sequence described in Figure 3 (SEQ ID NO:1) is the same sequence described in Figure 1 (the Kir5.1 gene described in the instant application and disclosed in SEQ ID NO:1). Support for the amendment can be found throughout the specification, claims and drawings as originally filed, and specifically can be found at page 6, line 31 through page 7, line 4 of the specification and in Figure 3 as originally filed.

III. Drawings/Sequence Compliance:

The Examiner has asserted that the instant application fails to comply with the requirements of 37 CFR 1.821 through 1.825, because the sequence disclosed in Figure 3 allegedly was not described in the sequence listing submitted with the application as filed. The Applicant contends that the sequence described in Figure 3 is identical to the sequence described as SEQ ID NO:1 in Figure 1 and in the original sequence listing, and thus submit that the sequence has been included in the sequence listing filed.

The Applicant has amended Figure 3 to include the inadvertently omitted sequence identifier. New Figure 3 with the amendment incorporated therein is attached herewith. The amendment to Figure 3 is merely the addition of the sequence identifier at the end of the sequence disclosed therein (SEQ ID NO:1). The amendment does not add or constitute new matter, and is completely supported by the application as originally filed. Specifically, support may be found at page 8, lines 15-22, of the specification, and in originally filed Figures 1 and 3.

The Applicant contends, for the reasons set forth above, that a new sequence listing is not required. The sequences disclosed in SEQ ID NO:1 through SEQ ID NO:4 were included in the sequence listing as originally filed with the instant application on December 4, 2001, and no additional sequences have been disclosed in the application. As the sequence described in Figure 3, to which the Examiner refers in the instant Office Action, is included in the sequence listing originally filed (SEQ ID NO:1), and in light of the

amendment to Figure 3 to clearly identify the sequence as SEQ ID NO:1, the Applicant believes he is now in full compliance with the requirements of 37 CFR 1.821 through 1.825.

III. Requirement for Restriction:

In response to the Examiner's requirement for restriction in the instant Office Action, the Applicant elects, without traverse, Group II (claims 3-12 and 14-25), drawn to a cell having a disruption in a Kir5.1 gene, a non-human transgenic animal having a disruption in a Kir5.1 gene, a method of making the animal and a method of using the animal.

The Applicant respectfully requests entry and consideration of the foregoing amendments and remarks. Upon entry of the amendments, claims 3-12 and 14-25 are pending in the instant application.

Respectfully submitted,

Date: 7/22/03

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Enclosures

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence and its listed enclosures is being deposited with the United States Postal Service as First Class Mail, postage paid, in an envelope addressed to: Commissioner for Patents, Alexandria, VA, Mail Stop Non- Fee Amendment/OIPE on July 22, 2003.

Name: **Don Mixon**

Signed: Don Mixon

Date: 7/22/03